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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,166	01/28/2004	Noriyoshi Satoh	32184US2	3381
116	7590	07/12/2005		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER LE, DANG D	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/766,166

Applicant(s)

SATO ET AL.

Examiner

Dang D. Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/3/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (JP 09-182364) in view of Odagiri et al. (5,801,466).

Regarding claims 1 and 3, Yamaguchi et al. shows a vibrator (Figures 6 and 8) comprising:

- A vibration motor (Figures 2 and 8) having:
- A rotary member (R2);
- A base (2) on which said rotary member is mounted; and
- A cover (11) provided on said base covering said rotary member; and
- Wherein said cover (11) has an air-hole between the cover (11) and the base (2, at right corner) so that air inside the vibration motor communicates with air outside of the vibration motor.

Yamaguchi et al. does not show a printed circuit board on which said vibration motor is mounted.

Odagiri et al. shows a printed circuit board on which the vibration motor is mounted for the purpose of mounting the vibration motor in a cell phone.

Since Yamaguchi et al. and Odagiri et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the vibration motor on the printed circuit board as taught by Odagiri et al. for the purpose discussed above.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraki et al. (5,793,133) in view of Yasuda (5,889,349).

Regarding claims 1 and 3, Shiraki et al. shows a vibrator (Figures 1 and 9) comprising:

- A vibration motor (Figures 1 and 9) having:
- A rotary member (6);
- A base (10) on which said rotary member is mounted; and
- A cover (9) provided on said base covering said rotary member; and
- Wherein said cover (9) has an air-hole between the cover (16) and the base (Figure 9, at right corner) so that air inside the vibration motor communicates with air outside of the vibration motor.

Shiraki et al. does not show a printed circuit board on which said vibration motor is mounted.

Yasuda shows a printed circuit board on which the vibration motor is mounted (Figures 11-13) for the purpose of mounting the vibration motor in a cell phone.

Since Shiraki et al. and Yasuda are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the vibration motor on the printed circuit board as taught by Yasuda for the purpose discussed above.

7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Won (6,265,838) in view of Yamaguchi et al. (6,384,498).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Regarding claims 1 and 3, Won shows a vibrator (Figures 1 and 7) comprising:

- A vibration motor (Figures 1 and 7) having:
- A rotary member (70);
- A base (10) on which said rotary member is mounted; and
- A cover (20) provided on said base covering said rotary member; and
- Wherein said cover (10) has an air-hole between the cover (10) and the base (Figure 1, left side) so that air inside the vibration motor communicates with air outside of the vibration motor.

Won does not show a printed circuit board on which said vibration motor is mounted.

Yamaguchi et al. shows a printed circuit board on which the vibration motor is mounted (Figure 1) for the purpose of mounting the vibration motor in a cell phone.

Since Won and Yamaguchi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the vibration motor on the printed circuit board as taught by Yamaguchi et al. for the purpose discussed above.

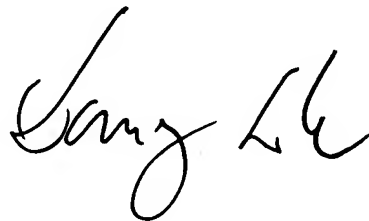
***Information on How to Contact USPTO***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/10/05

A handwritten signature in black ink, appearing to read "Dang Le". The signature is fluid and cursive, with the first name "Dang" and the last name "Le" clearly distinguishable.

DANG LE  
PRIMARY EXAMINER